

### **REMARKS**

This communication is in response to the Office Action dated July 30, 2010. No claims have been amended, no claims have been canceled, and no claims have been added; as such, claims 1-8 are now pending in this application. Claims 1 and 5 are independent claims. Reconsideration and allowance is requested in view of the following remarks.

#### **I. Double Patenting Rejection**

Claims 1-8 have been provisionally rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-14 of co-pending Application No. 10/569,463.

In response, Applicant has filed a terminal disclaimer with this communication to the Office Action dated July 30, 2010. Accordingly, Applicant requests the nonstatutory obviousness-type double patenting rejection to claims 1-8 be withdrawn.

#### **II. Conclusion**

In view of the above amendment and remarks, applicant believes the pending application is in condition for allowance.

This response is believed to be a complete response to the Office Action. However, Applicant reserves the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicant expressly does not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

### **III. Extensions of time**

Please treat any concurrent or future reply, requiring a petition for an extension of time under 37 C.F.R. §1.136, as incorporating a petition for extension of time for the appropriate length of time.

The Commissioner is hereby authorized to charge all required fees, fees under 37 C.F.R. §1.17, or all required extension of time fees.

### **IV. Fees-general authorization**

The Commissioner is hereby authorized to charge any deficiency in fees filed, asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm).

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

Dated: October 27, 2010

Respectfully submitted,

By   
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